

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1765 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/29/05

A Bill

HOUSE BILL 1262

5 By: Representative Rosenbaum
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For An Act To Be Entitled

9 AN ACT TO AMEND CERTAIN ARKANSAS ETHICS LAWS
10 CONCERNING DISCLSURE FOR MATTERS REFERRED TO
11 VOTERS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND CERTAIN ARKANSAS ETHICS
14 LAWS CONCERNING DISCLOSURE FOR MATTERS
15 REFERRED TO VOTERS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-9-402 is amended to read as follows:
22 7-9-402. Definitions.

23 As used in this subchapter:

24 (1) "Ballot question" means a question in the form of a
25 statewide, county, municipal, or school district initiative or referendum
26 which is submitted or intended to be submitted to a popular vote at an
27 election whether or not it qualifies for the ballot;

28 (2) "Ballot question committee" means any person, located within
29 or outside Arkansas, who receives contributions for the purpose of expressly
30 advocating the qualification, disqualification, passage, or defeat of any
31 ballot question, or any person, other than an individual, located within or
32 outside Arkansas, who makes expenditures for the purpose of expressly
33 advocating the qualification, disqualification, passage, or defeat of any
34 ballot question. Provided further, a person other than an individual, located
35 within or outside Arkansas, also qualifies as a ballot question committee if



1 two percent (2%) or more of its annual revenues, operating expenses, or funds
2 are used to make a contribution or contributions to another ballot question
3 committee and if such contribution or contributions exceed ten thousand
4 dollars (\$10,000) in value;

5 (3)(A) "Contribution" means, whether direct or indirect,
6 advances, deposits, transfers of funds, contracts, or obligations, whether or
7 not legally enforceable, payments, gifts, subscriptions, assessments, payment
8 for services, dues, advancements, forbearance, loans, pledges, or promises of
9 money or anything of value, whether or not legally enforceable, to a person
10 for the purpose of expressly advocating the qualification, disqualification,
11 passage, or defeat of a ballot question or the passage or defeat of a
12 legislative question;

13 (B) "Contribution" includes the purchase of tickets for
14 events, such as dinners, luncheons, rallies, and similar fundraising events,
15 and the granting of discounts or rebates by television and radio stations and
16 newspapers, not extended on an equal basis to all persons seeking to
17 expressly advocate the qualification, disqualification, passage, or defeat of
18 a ballot question or the passage or defeat of a legislative question; and

19 (C) "Contribution" shall not include noncompensated,
20 nonreimbursed volunteer personal services or travel;

21 (4) "Contribution and expenditure" shall not include activities
22 designed solely to encourage individuals to register to vote or to vote, or
23 any communication by a bona fide church or religious denomination to its own
24 members or adherents for the sole purpose of protecting the right to practice
25 the religious tenets of such church or religious denomination, and
26 "expenditure" shall not include one (1) made for communication by a person
27 strictly with the person's paid members or shareholders;

28 (5) "Disqualification of a ballot question" means any action or
29 process, legal or otherwise, which seeks to prevent a ballot question from
30 being on the ballot at an election;

31 ~~(5)(6)~~ "Expenditure" means a purchase, payment, distribution,
32 gift, loan, or advance of money or anything of value, and a contract,
33 promise, or agreement to make an expenditure, for goods, services, materials,
34 or facilities for the purpose of expressly advocating the qualification,
35 disqualification, passage, or defeat of a ballot question or the passage or
36 defeat of a legislative question;

1 ~~(6)~~(7) "Legislative question" means a question in the form of a
2 measure referred by the General Assembly, a quorum court, a municipality, or
3 a school district to a popular vote at an election;

4 ~~(7)~~(8) "Legislative question committee" means any person,
5 located within or outside Arkansas, who receives contributions for the
6 purpose of expressly advocating the passage or defeat of any legislative
7 question or any person, other than an individual, located within or outside
8 Arkansas, who makes expenditures for the purpose of expressly advocating the
9 passage or defeat of any legislative question. Provided further, a person
10 other than an individual, located within or outside Arkansas, also qualifies
11 as a legislative question committee if two percent (2%) or more of its annual
12 revenues, operating expenses, or funds are used to make a contribution or
13 contributions to another legislative question committee and if such
14 contribution or contributions exceed ten thousand dollars (\$10,000) in value;

15 ~~(8)~~(9)(A) "Person" means any individual, business,
16 proprietorship, firm, partnership, joint venture, syndicate, business trust,
17 labor organization, company, corporation, association, committee, or any
18 other organization or group of persons acting in concert.

19 (B) "Person" includes a public servant or governmental
20 body using public funds to expressly advocate the qualification,
21 disqualification, passage, or defeat of any ballot question or the passage or
22 defeat of any legislative question; and

23 ~~(9)~~(10) "Qualification of a ballot question" means any action or
24 process, legal or otherwise, through which a ballot question obtains
25 certification to be on the ballot at an election.

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27 SECTION 2. Arkansas Code § 7-9-404(b), concerning information required
28 on a statement of organization, is amended to read as follows:

29 (b) The statement of organization shall include the following
30 information:

31 (1) The name, the street address, and, where available, the
32 telephone number of the committee. A committee address and telephone number
33 may be that of the residence of an officer or director of the committee;

34 (2) The name, street address, and, where available, the
35 telephone number of the treasurer and other principal officers and directors
36 of the committee;

1 (3) The name and address of each financial institution in which
2 the committee deposits money or anything else of monetary value;

3 (4) The name of each person who is a member of the committee. A
4 person that is not an individual may be listed by its name without also
5 listing its own members, if any;

6 (5) A brief statement identifying the substance of each ballot
7 question whose qualification, disqualification, passage, or defeat the
8 committee seeks to influence or of each legislative question which passage or
9 defeat the committee seeks to influence.

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11 SECTION 3. Arkansas Code § 7-9-405(b), concerning contribution and
12 expenditure limitations, is amended to read as follows:

13 (b) No ballot question committee, legislative question committee, or
14 individual shall make an expenditure in cash which exceeds fifty dollars
15 (\$50.00) to influence the qualification, disqualification, passage, or defeat
16 of a ballot question or the passage or defeat of a legislative question.

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18 SECTION 4. Arkansas Code § 7-9-406 is amended to read as follows:
19 7-9-406. Financial reports - Requirement.

20 (a) A ballot question committee or legislative question committee
21 which either receives contributions or makes expenditures in excess of five
22 hundred dollars (\$500) for the purpose of expressly advocating the
23 qualification, disqualification, passage, or defeat of a ballot question or
24 the passage or defeat of a legislative question shall file with the Arkansas
25 Ethics Commission financial reports as required by § 7-9-407.

26 (b) An individual person who on his or her own behalf expends in
27 excess of five hundred dollars (\$500), excluding contributions, for the
28 purpose of expressly advocating the qualification, disqualification, passage,
29 or defeat of a ballot question or the passage or defeat of a legislative
30 question shall file with the commission financial reports as required by § 7-
31 9-407.

32 (c) A public servant or governmental body expending public funds in
33 excess of five hundred dollars (\$500) for the purpose of expressly advocating
34 the qualification, disqualification, passage, or defeat of a ballot question
35 or the passage or defeat of a legislative question shall file with the
36 commission financial reports as required by § 7-9-407.

1 (d) Any report required by this subchapter shall be deemed timely
2 filed if it is:

3 (1) Hand-delivered to the commission on or before the date due;

4 (2) Mailed to the commission, properly addressed, postage
5 prepaid, bearing a postmark indicating that it was received by the post
6 office or common carrier on or before the date due;

7 (3) Received via facsimile by the commission on or before the
8 date due, provided that the original is received by the commission within ten
9 (10) days of the transmission; or

10 (4) Received by the commission in a readable electronic format
11 which is approved by the commission.

12 (e) Whenever a report under this subchapter becomes due on a day which
13 is a Saturday, Sunday, or legal holiday, the report shall be due the next day
14 which is not a Saturday, Sunday, or legal holiday.

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16 *SECTION 5. Arkansas Code Title 7, Chapter 9, Subchapter 4 is amended*
17 *to add an additional section to read as follows:*

18 7-9-415. Scope.

19 Nothing in this subchapter may limit, waive, or abrogate the scope of
20 any statutory or common law privilege, including, but not limited to, the
21 work product doctrine and the attorney-client privilege.

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23 /s/ Rosenbaum

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26 *APPROVED: 4/06/2005*
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